

(iii) A hazardous waste incinerator for which the owner or operator meets the requirements specified in paragraph (b)(2)(iii)(A) or (B) of this section.

(A) The incinerator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O; or

(B) The incinerator has certified compliance with the interim status requirements of 40 CFR part 265, subpart O; or

(iv) A boiler or process heater into which the vent stream is introduced with the primary fuel.

(3) *Prior design evaluations or performance tests.* If a design evaluation or performance test is required in the referencing subpart or was previously conducted and submitted for a storage vessel or low throughput transfer rack, then a performance test or design evaluation is not required.

(c) *Nonflare control device monitoring requirements.* (1) The owner or operator shall submit with the Notification of Compliance Status, a monitoring plan containing the information specified in § 63.999(b)(2)(i) and (ii) to identify the parameters that will be monitored to assure proper operation of the control device.

(2) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status or in the operating permit application or amendment. Records shall be generated as specified in § 63.998(d)(2)(i).

§ 63.986 Nonflare control devices used for equipment leaks only.

(a) *Equipment and operating requirements.* (1) Owners or operators using a nonflare control device to meet the applicable requirements of a referencing subpart for equipment leaks shall meet the requirements of this section.

(2) Control devices used to comply with the provisions of this subpart shall be operated at all times when emissions are vented to them.

(b) *Performance test requirements.* A performance test is not required for any nonflare control device used only to control emissions from equipment leaks.

(c) *Monitoring requirements.* Owners or operators of control devices that are

used to comply only with the provisions of a referencing subpart for control of equipment leak emissions shall monitor these control devices to ensure that they are operated and maintained in conformance with their design. The owner or operator shall maintain the records as specified in § 63.998(d)(4).

§ 63.987 Flare requirements.

(a) *Flare equipment and operating requirements.* Flares subject to this subpart shall meet the performance requirements in 40 CFR 63.11(b) (General Provisions).

(b) *Flare compliance assessment.* (1) The owner or operator shall conduct an initial flare compliance assessment of any flare used to comply with the provisions of this subpart. Flare compliance assessment records shall be kept as specified in § 63.998(a)(1) and a flare compliance assessment report shall be submitted as specified in § 63.999(a)(2). An owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet regulated material or total organic compound concentration when a flare is used.

(2) [Reserved]

(3) Flare compliance assessments shall meet the requirements specified in paragraphs (b)(3)(i) through (iv) of this section.

(i) Method 22 of appendix A of part 60 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours, except for transfer racks as provided in (b)(3)(i)(A) or (B) of this section.

(A) For transfer racks, if the loading cycle is less than 2 hours, then the observation period for that run shall be for the entire loading cycle.

(B) For transfer racks, if additional loading cycles are initiated within the 2-hour period, then visible emissions observations shall be conducted for the additional cycles.

(ii) The net heating value of the gas being combusted in a flare shall be calculated using Equation 1:

$$H_T = K_1 \sum_{j=1}^n D_j H_j \quad [\text{Eq. 1}]$$

Where: